

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KYLE HAKKARAINEN,
obo Natalie Blanton,

Plaintiff,

-vs-

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

: CASE NO. 1:10 CV 02463

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: ORDER ADOPTING REPORT AND

: RECOMMENDATION AND

: REVERSING AND REMANDING THE

: COMMISSIONER'S DECISION

:

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UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff Kyle Hakkarainen, as the son of claimant Natalie Blanton, challenges the Commissioner of Social Security's final decision denying his mother's applications for a Period of Disability and for Disability Insurance Benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381, *et seq.* This case was automatically referred to United States Magistrate Judge Nancy A. Vecchiarelli for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b).

In her R&R (Doc. 37) urging this Court to reverse the Commissioner's final decision and remand for further proceedings consistent with the R&R, Magistrate Judge Vecchiarelli recommends a finding that the Administrative Law Judge (ALJ) failed to consider "whether the claimant's severe physical impairment, rheumatoid arthritis, met or medically equaled an impairment in the Listings – particularly Listing 14.09," and further, failed to "assess the opinions of the claimant's treating sources properly." (Doc. 37, pp. 21-25, 26-29).

The Commissioner has notified the Court it will not be filing an objection to the R&R. (Doc. 38). No other party has objected to the Magistrate Judge's R&R. Therefore, it must be assumed the parties are satisfied with the Report's conclusion. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, Magistrate Judge Vecchiarelli's R&R is adopted. The decision by the Commissioner denying Mr. Hakkarainen's mother's claims is reversed and remanded to the Social Security Administration for further proceedings consistent with the findings of the, hereby, adopted Report and Recommendation.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date 7 February 2012